

MARQUIS AURBACH COFFING

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5 Attorneys for LVMPD Defendants

6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 GORDON MARTINES, an individual,

10 Plaintiff,

11 vs.

Case No.: 2:12-cv-01441-LDG-PAL

12
13 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a public entity; and SHERIFF
14 DOUGLAS GILLESPIE, an individual; and
SGT. JAMES MELTON, an individual; and LT.
15 CLINTON NICHOLS, an individual; and
CAPTAIN PATRICK NEVILLE, an individual;
16 and DEPUTY CHIEF JAMES OWENS, an
individual; and LT. RAY STEIBER, DIRECTOR
17 WALTER NORRIS, an individual; and
DIRECTOR JUDY BLEAK, an individual; and
18 ASSISTANT SHERIFF THEODORE MOODY,
an individual; and UNDERSHERIFF JAMES
19 DIXON, an individual; and DR. KEITH
BOWMAN, an individual; and DIRECTOR
20 MICHAEL SNYDER, an individual; and
DIRECTOR JEFFREY ROCH, an individual;
21 and DOES 1-100 inclusive.

22 Defendants.
23

24 **STIPULATION AND ORDER REGARDING MOTION FOR LEAVE TO FILE SECOND**
AMENDED COMPLAINT

25 Defendants, Las Vegas Metropolitan Police Department, Sheriff Douglas Gillespie, Sgt.
26 James Melton, Lt. Clinton Nichols, Captain Patrick Neville, Deputy Chief James Owens, Lt. Ray
27 Steiber, Director Walter Norris, Director Judy Bleak, Assistant Sheriff Theodore Moody,
28 Undersheriff James Dixon, Director Michael Snyder, and Director Jeffrey Roch (collectively

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“LVMPD Defendants”), by and through their attorney of record, Nick D. Crosby, Esq., with the law firm of Marquis Aurbach Coffing; and Plaintiff, Gordon Martines, by and through his attorney of record, David Otto, Esq. with David Otto & Affiliates, and in an effort to simplify the current procedural landscape of the lawsuit and conserve judicial resources, hereby agree and stipulate as follows:

IT IS HEREBY STIPULATED that LVMPD Defendants’ Motion for Partial Dismissal (#12) is hereby withdrawn.

IT IS FURTHER STIPULATED that Plaintiff shall withdraw his Motion for Leave to File the Second Amended Complaint (#17).

IT IS FURTHER STIPULATED that the Plaintiff shall be allowed to file the Second Amended Complaint, which is attached to the Motion for Leave to Amend, and that the same will serve as the operative pleading upon service of the same upon the LVMPD Defendants.

IT IS FURTHER STIPULATED that the LVMPD Defendants do not waive any right to file a dispositive motion in response to the Second Amended Complaint.

IT IS FURTHER STIPULATED that Counsel for LVMPD hereby waives formal service on each individual LVMPD Defendant and hereby accepts service of the Second Amended Complaint on behalf of the LVMPD Defendants, except for Dr. Bowman.

Dated this 4th day of February, 2013.

MARQUIS AURBACH COFFING

DAVID OTTO & AFFILIATES, PC

/s/ Nick D. Crosby, Esq.

/s/ David J. Otto, Esq.

Nick D. Crosby, Esq.
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Attorney for LVMPD Defendants

David J. Otto, Esq.
Nevada Bar No. 5449
2300 West Sahara Ave., Suite 800
Las Vegas, Nevada 89102
Attorney for Plaintiff

ORDER

IT IS HEREBY ORDERED that LVMPD Defendants’ Motion for Partial Dismissal (#12) is hereby withdrawn.

1 IT IS FURTHER ORDERED that the Plaintiff's Motion for Leave to Amend (#17) is
2 hereby withdrawn.

3 IT IS FURTHER ORDERED that the Plaintiff shall be permitted to file the Second
4 Amended Complaint, originally attached to the Motion for Leave to Amend.

5 IT IS SO ORDERED this 6 day of February, 2013.

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UNITED STATES DISTRICT COURT JUDGE
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